

## PATRICK WARD

### APPLICATION FOR SCREENING AND VENUE

#### RULING

1. Patrick Ward has made an application for screening and to give his evidence in London rather than in Londonderry.
2. Mr Ward came to the Inquiry's attention upon being mentioned in a recent biography of Martin McGuinness entitled *From Guns to Government* by Liam Clark and Kathryn Johnston. Mr Ward, who lives abroad, subsequently provided a written statement to the Inquiry. In his statement, he claims to have been the Commanding Officer of the Derry Fianna, the youth wing of the Provisional IRA (PIRA), on January 30, 1972. He describes its organisation and activities during the period leading up to that day. In addition, he describes the planning for a nail bomb attack by a Fianna section following the NICRA march that day and the involvement of both Martin McGuinness, the then second-in-command of the Derry PIRA, and Gerard Donaghy, one of those killed by Army action that day, in that plan. Also, he discusses, in more general terms, Mr McGuinness' role in PIRA during that period. Mr Ward's evidence becomes even more significant because very few members of republican paramilitary organisations have come forward to assist the Inquiry.
3. Mr Ward's application is based on Articles 2 and 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms as he has reasonable and genuine fears for his safety. As he puts it, he "fears for his life". This is based upon what he describes as the known PIRA response, namely, death, to an informer, which he might be termed because of his statement to this Inquiry, because of previous accusations of treachery made against him by the Irish National Liberation Army (INLA), another republican paramilitary group and because of a 2002 newspaper article, which described him as an informer for the Royal Ulster Constabulary. In addition, he claims

that in 1983 he was kidnapped, beaten and threatened with death by the INLA before he escaped. For these reasons, he submits that it is safer for him to testify at the Central Hall than the Guildhall. His screening application is based on the likelihood that, unless he gave his evidence screened, he would be recognised by former friends and colleagues so that the de facto anonymity he has acquired by reason of his long absence from Derry would be lost. As mentioned, he now lives abroad in what he terms “secure living accommodation”, which he might have to leave if he were, by chance, recognised there.

4. The Inquiry sought and, on 25 July 2003, obtained a threat assessment from the Northern Ireland Police Service. It said:

“We hold no current intelligence to indicate that a specific threat exists against Patrick Ward.

We are aware, however, of his terrorist history and further in-depth enquiries indicate that despite the passage of time, the potential for a terrorist grouping taking retaliatory action against Mr. Ward does exist.

It would seem prudent, therefore, to support any effort to negate the risk to Mr. Ward by allowing him to give his evidence to the Inquiry in London. Furthermore, the screening of Mr. Ward whilst giving evidence would undoubtedly assist in reducing any risk to him.”

5. Although the PSNI assessment does not quantify the risk to Mr Ward, it does assist us to conclude that, in the circumstances, his fears for his personal safety are reasonable and genuine and thus his Convention rights prevail over the inroad to the public nature of the Inquiry that would result from his giving evidence screened and in London. Using the approach set out by Lord Phillips at paragraph 31 in *Lord Saville and others v. Widgery Soldiers and others* (19 December 2001), we grant the application for Mr Ward to be screened while testifying in London. Mr Ward will remain visible to the Tribunal and to the legal representatives of the parties. His evidence may be fully tested. The

screening will be on the same terms as those we described on 14 April 2003 for Martin Ingram.

6. We should record that Mr Ward has said that he would not testify if his application were refused. We have, however, allowed his application based on his Convention rights and, in reaching this conclusion, we have not taken his expressed intention into account.

Lord Saville

The Hon. William Hoyt

The Hon. John Toohey

18 September 2003